

EXHIBIT

2

KEITH BROWN
July 03, 2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUSTIN GUY, individually and
on behalf of those similarly
situated,

Plaintiff,

vs.

Case No. 20-cv-12734-MAG-EAS

Hon. Mark A. Goldsmith

ABSOPURE WATER COMPANY, LLC,
a domestic limited liability
company,

Defendant.

The Remote Deposition of KEITH BROWN,
Commencing at 10:04 a.m.,
Monday, July 3, 2023,
Before Helen F. Benhart, CSR-2614,
Appearing remotely from Wayne County, Michigan.

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1 Remote Proceedings

2 Monday, July 3, 2023

3 10:04 a.m.

4
5 THE REPORTER: The attorneys participating
6 in this deposition acknowledge that I am not
7 physically present in the deposition room. They
8 further acknowledge that in lieu of an oath
9 administered in person, the witness will verbally
10 declare his testimony in this matter is under penalty
11 of perjury. The parties and their counsel consent to
12 this arrangement and waive any objections to this
13 manner of reporting. Please indicate your agreement
14 by stating your name and your agreement on the record.

15 MR. FRISCH: Andrew Frisch for the
16 plaintiff, yes.

17 MR. CUMMINGS: Michael Cummings for
18 Defendant, yes.

19 KEITH BROWN,
20 Was thereupon called as a witness herein, and after
21 having been first duly sworn to testify to the truth,
22 the whole truth and nothing but the truth, was
23 examined and testified as follows:

24 EXAMINATION

25 BY MR. CUMMINGS:

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1 30, 40 to an hour depending on how many people are
2 there.

3 Q. Is there anything that would make it longer than that
4 typical day, anything that might occur you have to do?

5 A. Only thing that would make it longer, if your truck is
6 loaded completely wrong, you have to go in the
7 warehouse and have the loaders adjust racks and
8 things, take racks of water off and put different
9 water on. That could take time. Like I said, it's
10 always people ahead of you. If it's a line ahead of
11 you, you have to wait for each driver to get their
12 trucks loaded. You can't just -- you don't just pull
13 up and get your stuff and do this. Like everything is
14 assembly line from getting coolers because it's always
15 people there so you have to wait for somebody to help
16 you or, you know, to check your paperwork and all that
17 stuff. Everything is just assembly line basically.
18 It's never just walk in, grab your stuff, walk out.

19 Q. Now, were you -- during the time that you were
20 there -- and I'm going to ask you from about the years
21 late 2017 onward. That's the relevant period behind
22 what we're looking at. Did you drive the same route?

23 A. Yes.

24 Q. And what was that route?

25 A. My route was basically Detroit. I had just like the

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1 city. I did homes and then I had like the midtown to
2 downtown area where I did a lot of just all office
3 buildings, stadiums, so I had like a large route where
4 I covered like half of Detroit.

5 Q. How many stops were on that route?

6 A. Forty to 50 per day.

7 Q. Did it change from day to day?

8 A. I mean, yeah, it changed from day to day. I averaged
9 about 40 to 50. Some days if I was just doing my home
10 days, which was like I think once or twice a week, it
11 would be around 35 to 40-ish just depending on, you
12 know, just extra people that call in. It varies, but
13 it was 35 to 45 per day for me mostly.

14 Q. And about -- do you recall if you drove a particular
15 truck from late 2017 onward?

16 A. Yes. I don't know the number of the truck, but, yes.
17 I drove a standard ten bay truck.

18 Q. Was it the same truck typically or --

19 A. For the most part, yeah. Once you had a route, you
20 kind of had your main truck, but if it was to be in
21 the shop, they would adjust, or if somebody else's
22 truck was broke down, they start doing the shift where
23 they say, hey, you take this truck because you need
24 more water, you don't need as much, you take this
25 truck. It's an eight bay truck instead of ten bay

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1 **A. We have a fuel tank in the back area where the trucks**
2 **are. Where the trucks sit is a big fuel tanker out**
3 **there that we pull up and fuel up if we need gas.**

4 Q. Again, when did you typically fill your truck?

5 **A. It would be in the morning when we first get our**
6 **trucks.**

7 Q. Did you do that for every time you drove?

8 **A. No. I would do it every maybe like two to three days**
9 **because, like I said, I was kind of locally and I was**
10 **sitting around at a lot of buildings for my day. I**
11 **wasn't just driving nonstop so I didn't have to fuel**
12 **up every day.**

13 Q. Okay. How were -- during this time frame, late 2017
14 to the time you ended, how were you paid? How was
15 your pay calculated by Absopure?

16 **A. We were commission so it goes off -- it guess it goes**
17 **off how much water we sell throughout the day, how**
18 **much product we sell.**

19 Q. I'm going to put up another document for you. Just
20 give me a minute. Okay. Can you see a document in
21 front of you?

22 **A. Yes.**

23 Q. Do you -- and I will put for the record, if you give
24 me a minute, the document that has been produced in
25 this case is -- bears Bates numbers 4401 through 4429,

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1 questions. Thanks.

2 EXAMINATION

3 BY MR. FRISCH:

4 Q. Mr. Brown, there was -- opposing counsel asked you
5 questions regarding the vehicles that you drove and
6 you referred to several different trucks. You said
7 you drove most of the vehicles, if not all of them, in
8 the fleet of I guess Absopure. Did some of those
9 vehicles include smaller vehicles like Sprinter vans?

10 **A. Yes.**

11 Q. So you drove Sprinter vans during the period of time
12 that you were employed by Absopure?

13 **A. Yes. Every now and then I would drive a Sprinter van.**

14 Q. Then relative to, say, the last three years of
15 employment, so 2017 to 2020 when you last worked for
16 Absopure, did you also drive Sprinter vans on occasion
17 as part of your employment with Absopure?

18 **A. Yes, on occasion, not a lot, but, yes, I drove them
19 before a few times, yes.**

20 Q. Are you able to estimate, like a give a percentage of
21 the amount of times that you drove a smaller vehicle
22 like a Sprinter van when you were completing your
23 route?

24 **A. It would be around like three to five percent.**

25 Q. Okay. When you did -- you didn't typically switch